



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2545**

Introduced 1/18/2006, by Sen. Louis S. Viverito

**SYNOPSIS AS INTRODUCED:**

New Act  
10 ILCS 5/28-1

from Ch. 46, par. 28-1

Creates the State Budget Crisis and School-Funding Referendum Act. Requires placement on the 2006 general election ballot of statewide advisory questions as to whether the State income tax should be temporarily increased for specified programs of school funding. Amends the Election Code to exempt the questions from the limit on the number of questions that may appear on a ballot. Effective immediately.

LRB094 18942 JAM 54396 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the State  
5 Budget Crisis and School-Funding Referendum Act.

6 Section 5. Purpose. Illinois, like many other states, is  
7 currently experiencing State budget shortfalls that have  
8 contributed to a crisis in funding for public education. A  
9 heavy reliance on local property taxes to fund education has  
10 also placed a significant burden on property owners. At the  
11 same time, however, Illinois enjoys relatively modest rates of  
12 State income tax: 3% on individuals, estates, and trusts and  
13 4.8% on corporations. Article X of the Illinois Constitution  
14 provides that the State shall fund education by making public  
15 schools free through the secondary level. The purpose of this  
16 Act is to seek the advice of the voters as to whether a  
17 temporary increase in the State income tax is warranted to help  
18 solve this school-funding crisis.

19 Section 10. State budget and school-funding crises  
20 advisory questions. The following advisory questions shall be  
21 submitted to the voters of every county at the 2006 general  
22 election:

23 (1) "Should the General Assembly, in order to (i)  
24 provide property tax relief, (ii) increase reimbursement  
25 to school districts for special education services, (iii)  
26 fund the School Construction bond program, and (iv)  
27 increase the State foundation level (minimum per-pupil  
28 expenditures), temporarily increase the Illinois income  
29 tax from January 1, 2007, through December 31, 2008, to  
30 help solve the current State budget shortfall and to  
31 increase State support for public education?".

1           (2)"Should this temporary increase be limited to  
2           increasing the rate of tax for individuals, trusts, and  
3           estates by no more than one percentage point and the rate  
4           for corporations by no more than one and six-tenths  
5           percentage points?".

6           The votes on each question shall be recorded as "Yes" or  
7           "No".

8           Section 15. Certification. The State Board of Elections  
9           shall certify the questions specified in Section 10 to the  
10          proper election officials, who shall submit the questions in  
11          accordance with the general election law.

12          Section 20. Conflicts. If any provision of this Act  
13          conflicts with any other law, this Act controls.

14          Section 90. Repeal. This Act is repealed on December 31,  
15          2008.

16          Section 900. The Election Code is amended by changing  
17          Section 28-1 as follows:

18           (10 ILCS 5/28-1) (from Ch. 46, par. 28-1)

19          Sec. 28-1. The initiation and submission of all public  
20          questions to be voted upon by the electors of the State or of  
21          any political subdivision or district or precinct or  
22          combination of precincts shall be subject to the provisions of  
23          this Article.

24          Questions of public policy which have any legal effect  
25          shall be submitted to referendum only as authorized by a  
26          statute which so provides or by the Constitution. Advisory  
27          questions of public policy shall be submitted to referendum  
28          pursuant to Section 28-5 or pursuant to a statute which so  
29          provides.

30          The method of initiating the submission of a public  
31          question shall be as provided by the statute authorizing such

1 public question, or as provided by the Constitution.

2 All public questions shall be initiated, submitted and  
3 printed on the ballot in the form required by Section 16-7 of  
4 this Act, except as may otherwise be specified in the statute  
5 authorizing a public question.

6 Whenever a statute provides for the initiation of a public  
7 question by a petition of electors, the provisions of such  
8 statute shall govern with respect to the number of signatures  
9 required, the qualifications of persons entitled to sign the  
10 petition, the contents of the petition, the officer with whom  
11 the petition must be filed, and the form of the question to be  
12 submitted. If such statute does not specify any of the  
13 foregoing petition requirements, the corresponding petition  
14 requirements of Section 28-6 shall govern such petition.

15 Irrespective of the method of initiation, not more than 3  
16 public questions other than (a) back door referenda, (b)  
17 referenda to determine whether a disconnection may take place  
18 where a city coterminous with a township is proposing to annex  
19 territory from an adjacent township, (c) referenda held under  
20 the provisions of the Property Tax Extension Limitation Law in  
21 the Property Tax Code, or (d) referenda held under Section  
22 2-3002 of the Counties Code may be submitted to referendum with  
23 respect to a political subdivision at the same election.

24 If more than 3 propositions are timely initiated or  
25 certified for submission at an election with respect to a  
26 political subdivision, the first 3 validly initiated, by the  
27 filing of a petition or by the adoption of a resolution or  
28 ordinance of a political subdivision, as the case may be, shall  
29 be printed on the ballot and submitted at that election.  
30 However, except as expressly authorized by law not more than  
31 one proposition to change the form of government of a  
32 municipality pursuant to Article VII of the Constitution may be  
33 submitted at an election. If more than one such proposition is  
34 timely initiated or certified for submission at an election  
35 with respect to a municipality, the first validly initiated  
36 shall be the one printed on the ballot and submitted at that

1 election.

2 No public question shall be submitted to the voters of a  
3 political subdivision at any regularly scheduled election at  
4 which such voters are not scheduled to cast votes for any  
5 candidates for nomination for, election to or retention in  
6 public office, except that if, in any existing or proposed  
7 political subdivision in which the submission of a public  
8 question at a regularly scheduled election is desired, the  
9 voters of only a portion of such existing or proposed political  
10 subdivision are not scheduled to cast votes for nomination for,  
11 election to or retention in public office at such election, but  
12 the voters in one or more other portions of such existing or  
13 proposed political subdivision are scheduled to cast votes for  
14 nomination for, election to or retention in public office at  
15 such election, the public question shall be voted upon by all  
16 the qualified voters of the entire existing or proposed  
17 political subdivision at the election.

18 Not more than 3 advisory public questions may be submitted  
19 to the voters of the entire state at a general election. If  
20 more than 3 such advisory propositions are initiated, the first  
21 3 timely and validly initiated shall be the questions printed  
22 on the ballot and submitted at that election; provided however,  
23 that a question for a proposed amendment to Article IV of the  
24 Constitution pursuant to Section 3, Article XIV of the  
25 Constitution, ~~or~~ for a question submitted under the Property  
26 Tax Cap Referendum Law, or for a question submitted at the 2006  
27 general election under the State Budget Crisis and  
28 School-Funding Referendum Act shall not be included in the  
29 foregoing limitation.

30 (Source: P.A. 93-308, eff. 7-23-03.)

31 Section 999. Effective date. This Act takes effect upon  
32 becoming law.